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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

EXPORT DEVELOPMENT CANADA,

Plaintiff,

v.

CUSTOM PRODUCE SALES,

Defendant.

Case No. 1:21-cv-00684-ADA-SKO

**STIPULATION AND ORDER VACATING
INITIAL SCHEDULING CONFERENCE
PENDING OUTCOME OF ARBITRATION**

(Doc. 24)

1 Plaintiff Export Development Canada (“EDC”) and Defendant Custom Produce Sales
2 (“Custom Produce”) hereby stipulate as follows:

3 WHEREAS, on May 21, 2021, Custom Produce filed a *Motion to Dismiss Complaint and*
4 *Compel Arbitration, or in the alternative, to Stay the Proceedings and Compel Arbitration* (Dkt. No.
5 8) (the “Motion”);

6 WHEREAS, on June 8, 2022, the Court (Drozd, J.) issued an Order on the Motion providing,
7 in relevant part, that “[t]his case is stayed in its entirety pending arbitration, subject to its re-opening
8 by the parties at the conclusion of arbitration or upon a ruling by the [arbitral tribunal] that it does
9 not have jurisdiction to hear this dispute[.]” and “[t]he parties are directed to notify the court within
10 fourteen (14) days of any decision by the [arbitral tribunal] with respect to arbitration so that the
11 court may either close this case or implement a new scheduling order with regard to future
12 motions[.]” (Dkt. No. 21, ECF p. 17);

13 WHEREAS, on August 18, 2022, the Court (Oberto, J.) issued an Order that “[d]ue to the
14 status of the case, the Initial Scheduling Conference currently set for 9/1/2022, is CONTINUED to
15 11/8/2022, at 9:45 AM in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto,” and
16 “[t]he parties SHALL file their joint scheduling report 7 days prior to the conference[;]”

17 WHEREAS, EDC and Custom Produce jointly respectfully request that the Initial Status
18 Conference be vacated without a date subject to the case being re-opened by the parties at the
19 conclusion of the arbitration as contemplated by Judge Drozd’s Order on the Motion (Dkt. No. 21,
20 ECF p. 17);

21 IT IS HEREBY STIPULATED by EDC and Custom Produce as follows:

22 1. The Initial Status Conference currently scheduled for November 8, 2022, is vacated
23 without a date subject to this case being re-opened by the parties at the conclusion of the arbitration
24 as contemplated by Judge Drozd’s Order, Dkt. No. 21, ECF p. 17.

25
26 [signature page follows]
27
28

1 IT IS SO STIPULATED.

2 Respectfully submitted,

3 DATED: October 20, 2022

BLAKELEY LC

4 By: /s/ David Mannion

5 DAVID MANNION

6 *Attorneys for Plaintiff*
7 *Export Development Canada*

8 FENNEMORE LLP

9 By: /s/ Elise O'Brien

10 ELISE O'BRIEN

11 *Attorneys for Defendant*
12 *Custom Produce Sales*

13
14 **ORDER**

15 This case is currently stayed in its entirety pending arbitration. (*See* Doc. 21.) Having
16 reviewed the parties' Stipulation and Order Vacating Initial Scheduling Conference Pending Outcome
17 of Arbitration (Doc. 24), and good cause appearing,

18 **IT IS HEREBY ORDERED** that the Initial Scheduling Conference currently scheduled for
19 November 8, 2022, is VACATED. The parties are directed to notify the Court within fourteen (14)
20 days of any decision with respect to arbitration so that the Court may either close this case or re-set
21 the Initial Scheduling Conference.

22
23 IT IS SO ORDERED.

24 Dated: **October 21, 2022**

/s/ Sheila K. Oberto

25 UNITED STATES MAGISTRATE JUDGE
26
27
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